IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 7419 of 2005

Between:

Maddukuri Jogeswara Rao S/o Late Joga Rao
Agriculturist, R/o Bedapudi Village, Thondangi Mandal, East Godavari District

..... PETITIONER

AND

1 The Government of Andhra PRadesh rep by Secrtary, Irrigation Department,(Land Acquisition) Secretariat, Hyderabad
2 The District Collector, Kakinada, East godavari District
3 The Revenue Divisional Officer, kakinada, East Godavari district
4 The mandal Revenue Officer, Samalkota, east Godavari District
5 The Executive Engineer, Y.R. Canal Peddapuram, East Godavari district

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Mandmaus declaring the action of the Respondents herein in not initiating the Land Acquisition proceedings in respect of the petitioner's land admeasuring ac. 1-00 comprised in Sy. No. 342 of Chandrapalem Village Samalkota Mandal, East Godavari District inspite of tasking advance possession in the year 1986 for the purpose of Yeluru Reservoir Canal Project without paying 80% of the Compensation amount as contemplate under the provisions of Sec. 17 of the Land Acquisition Act as highly illegal, arbitrary and violative of Article 14 and 21 of the Constitution of India apart from contrary to the provisions of the Land Acquisition Act forthwith apart from paying Rs. 1,00,000/- for the loss caused to me apart from other benefits under Land Acquisition Act, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case

Counsel for the Petitioner:MR.G.M.RAVI KUMAR

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following :

ORDER:-

Petitioner is the owner of Ac.1-00 of land in S.No.342 of Chadnrapalem village, Samalkota Mandal. Possession of the said land is said to have been taken for the purpose of digging irrigation canal under Y.R. Project. Petitioner complains that the respondents have not initiated proceedings under the Land Acquisition Act, 1894 (for short 'the Act'), much less, have paid 80% of tentative compensation as provided under Section 17 of the Act.

On instructions, the learned Government Pleader for Land Acquisition submits that the Mandal Revenue Officer, Samalkot reported that Survey work is under process and the Draft Notification and Draft Declaration proposals will be submitted shortly. Petitioner's land was also included in the said proposal for land acquisition. Petitioner's land of Ac.0-63 cents in S.No.342 of Chandrapalem, H/0 Pavara village was only proposed by the Y.R.P.Authorities. It is further stated that possession of the said land was taken by the requisitioning department in the year 1991.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Land Acquisition.

In view of the averments made in paragraph No.3 of the counter filed by the Revenue Divisional Officer & Land Acquisition Officer, Kakinada, East Godavari District – 3rd respondent herein, I deem it appropriate to direct the respondent to initiate Land Acquisition Proceedings, if not already initiated, and complete passing of the award, within a period of six months from the date of receipt of a copy of this order.

Hence, this writ petition is disposed of directing third respondent to pass award in

the matter within a period of six months from the date of receipt of a copy of this order. No costs.

8—6—2005.

Stv/-

To

1 The Government of Andhra PRadesh rep by Secrtary, Irrigation Department,(Land Acquisition) Secretariat, Hyderabad
2 The District Collector, Kakinada, East godavari District
3 The Revenue Divisional Officer, kakinada, East Godavari district
4 The mandal Revenue Officer, Samalkota, east Godavari District
5 The Executive Engineer, Y.R. Canal Peddapuram, East Godavari district

Note: Issue C.C. in one week.

(B.O)